



**U.S. Department of Justice**

*United States Attorney  
Southern District of Florida*

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September 1, 2004

RE: United States v. Bernard Roemmele, Salvatore Argento,  
Lester Gillespie, Steve Hein, and Ben Tobin  
Case No: 04-60206-Cr-Cohn

Dear Investor/Victim:

This letter is to inform you that a federal felony prosecution is pending in this district against the above-named persons. The defendants have been charged with the following offense: RICO conspiracy, mail/wire fraud conspiracy, money laundering conspiracy, obstruction of justice, and securities fraud.

You are entitled to understand what is happening in any case in which you are involved. Persons who are victims of federal crime have certain rights and are entitled to certain services. Enclosed is a copy of Congress' statement of crime victims' rights, enacted as part of the Victims' Rights and Restitution Act of 1990. This office's Victim-Witness Unit can provide you with more information about the Act, and about service to victims of crime, if you wish such information.

Please be aware that any statements you make, whether oral or written, including in filling out forms, may be subject to disclosure to the defense.

If you are a victim of a federal crime:

**YOU HAVE THE RIGHT TO BE FREE FROM ANY THREATS ARISING FROM YOUR ROLE IN THIS CASE.** If anyone threatens you, or you feel that you're being harassed because of the case, you should immediately notify the Federal Bureau of Investigation.

**YOU HAVE THE RIGHT TO THE PROMPT RETURN OF YOUR PROPERTY IF IT IS HELD AS EVIDENCE.** It is sometimes necessary for the United States Government to retain personal property to be used as evidence in this case. Unfortunately, your property may necessarily be held for a long time. However, every effort will be made to return your property to you as soon as possible after the trial and/or appeal.

YOU WILL RECEIVE NOTICE OF ANY SENTENCE IMPOSED in this case.

According to the Mandatory Victims Restitution Act of 1996 you are entitled to receive notice of the defendant's conviction and his sentencing date. These matters will be published on the website listed below. As a result of his crime, you are entitled to be compensated and an explanation of the types of losses for which the statute provides restitution is attached.

We will from time to time, update the internet site as time and information permit. We will continue to post case developments on our office's web page at the Department of Justice website, which can be found at [www.usdoj.gov/usao/fls/](http://www.usdoj.gov/usao/fls/). Please go to the page dedicated to victim/witness services and you will find internet access to information about this case at the bottom of that page. We have added the most recent charging document to the website, copies of the indictment and press release.

Thank you for your cooperation.

Very truly yours,

MARCOS DANIEL JIMENEZ  
UNITED STATES ATTORNEY

BY: PAUL SCHWARTZ  
ASSISTANT UNITED STATES ATTORNEY

PATRICE MULKERN  
DEPARTMENT OF JUSTICE  
TRIAL ATTORNEY

(a) BEST EFFORTS TO ACCORD RIGHTS.

Officers and employees to the Department of Justice . . . engaged in the . . . prosecution of crime shall make their best efforts to see that victims of crime are accorded the rights described in subsection (b).

(b) RIGHTS OF CRIME VICTIMS.

*A crime victim has the following rights:*

- (1) The right to be treated with fairness and with respect for the victim's dignity and privacy.*
- (2) The right to be reasonably protected from the accused offender.*
- (3) The right to be notified of court proceedings.*
- (4) The right to be present at all public court proceedings related to the offense, unless the court determines that testimony by the victim would be materially affected if the victim heard other testimony at trial.*
- (5) The right to confer with attorney for the Government in the case.*
- (6) The right to restitution.*
- (7) The right to information about the conviction, sentencing, imprisonment, and release of the offender.*

## Explanation of Losses Subject to Restitution

The Mandatory Restitution Act of 1996 provides that you may be entitled to an order of restitution for certain losses suffered as a direct or proximate result of the commission of the offense for which the defendant was convicted. The types of losses for which the statute provides restitution are explained below. You will have a right to explain these losses in detail at a later date.

In the case of an offense resulting in damage to or loss or destruction of property of a victim of the offense, the court may order: the return of the property to the owner of the property or someone designated by the owner; or if return of the property is impossible, impractical, or inadequate, the court may order payment in an amount equal to the greater of—the value of the property on the date of the damage, loss, or destruction, or the value of the property on the date of sentencing, less the value (as of the date the property is returned) of any part of the property that is returned.

In the case of an offense resulting in bodily injury to a victim, the court may order: payment of an amount equal to the cost of necessary medical and related professional services and devices relating to physical, psychiatric, and psychological care, including nonmedical care and treatment rendered in accordance with a method of healing recognized by the law of the place of treatment; payment of an amount equal to the cost of necessary physical and occupational therapy and rehabilitation; and reimbursement to the victim for income lost by such victim as a result of such offense.

In the case of an offense resulting in bodily injury that also results in the death of a victim, the court may order payment of an amount equal to the cost of necessary funeral and related services.

In any case, the court may order reimbursement to the victim for lost income and necessary child care, transportation, and other expenses related to participation in the investigation or prosecution of the offense or attendance at proceedings related to the offense.

In any case, if the victim (or if the victim is deceased, the victim's estate) consents, the court may order the defendant to make restitution in services in lieu of money, or to make restitution to a person or organization designated by the victim or the estate. (18 U.S. C. Sec. 3663)

In addition, the victim may at any time assign the victim's interest in restitution payments to the Crime Victims Fund in the Treasury without in any way impairing the obligation of the defendant to make such payments. (18 U.S. C. Sec. 3664)

If a victim has received compensation from insurance or any other source with respect to a loss, the court shall order that restitution be paid to the person who provided or is obligated to provide the compensation, but the restitution order shall provide that all restitution of victims required by the order be paid to the victims before any restitution is paid to such a provider of compensation.

(18 U.S.C. Sec.3664)